

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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DAMIEN GREEN,

Plaintiff,

v.

ORDER

Case No. 18-cv-591-jdp

HSU MANAGER, MS. BARKER,  
DR. HOFFMAN, NURSE B. RINK,  
and LARRY FUCHS,

Defendant.

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On September 11, 2018, the court entered an order giving plaintiff Damien Green until October 2, 2018 to submit a trust fund account statement for the period beginning approximately January 19, 2018 and ending approximately July 19, 2018. On September 19, 2018, plaintiff submitted a letter, which I will construe as motion for an order allowing plaintiff to use his release account funds to pay for a six-month trust account statement. Dkt. #6.

With the exception of initial partial payments assessed in *in forma pauperis* cases, the court has no authority to order prison officials to allow a prisoner to withdraw funds from his release account. *See* 28 U.S.C. § 1915(b)(1); *Carter v. Bennett*, 399 F. Supp. 2d 936, 936–37 (W.D. Wis. 2005). Therefore, I will deny plaintiff's motion for an order to use his release account funds to pay for a six-month trust fund account statement.

However, from the trust fund account statement plaintiff submitted with his motion (dkt. #6-3), I am able to determine that plaintiff qualifies for indigent status. Using information from plaintiff's trust account statement, I calculate plaintiff's initial partial fee to be \$0.41 for filing this case. Plaintiff may have until October 17, 2018 to submit the \$0.41 initial partial payment.

## ORDER

IT IS ORDERED that,

1. Plaintiff Damien Green's motion for an order to use his release account funds to pay for a six-month trust account statement, dkt. 6, is DENIED.

2. Plaintiff is assessed \$0.41 as an initial partial payment of the \$350.00 fee for filing this case. Plaintiff is to submit a check or money order payable to the clerk of court in the amount of \$0.41 or advise the court in writing why he is not able to submit the assessed amount on or before October 17, 2018. If plaintiff does not have enough money to make the \$0.41 initial partial payment from plaintiff's regular account, plaintiff should arrange with prison authorities to pay the remainder from plaintiff's release account.

3. If, by October 17, 2018, plaintiff fails to make the initial partial payment or show cause for his failure to do so, plaintiff will be held to have withdrawn this action voluntarily and the case will be closed without prejudice to plaintiff's filing this case at a later date.

Entered this 26th day of September, 2018.

BY THE COURT:

/s/  
PETER OPPENEER  
Magistrate Judge